



IPW

Atty. Dkt. No. 066683-0196

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert MARTUZA et al
Title: REPLICATION-COMPETENT HERPES SIMPLEX
VIRUS MEDIATES DESTRUCTION OF
NEOPLASTIC CELLS
Appl. No.: 10/748,233
Filing Date: 12/31/2003
Examiner: J. Woitach
Art Unit: 1632

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding Japanese application.

All of the documents are in English.

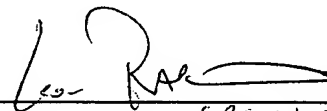
Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/4/04

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By 
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: October 6, 2004 <i>(use as many sheets as necessary)</i>				Complete if Known <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/748,233</td> </tr> <tr> <td>Filing Date</td> <td>12/31/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Robert MARTUZA</td> </tr> <tr> <td>Group Art Unit</td> <td>1632</td> </tr> <tr> <td>Examiner Name</td> <td>J. Woitach</td> </tr> <tr> <td>Attorney Docket Number</td> <td>066683-0196</td> </tr> </table>		Application Number	10/748,233	Filing Date	12/31/2003	First Named Inventor	Robert MARTUZA	Group Art Unit	1632	Examiner Name	J. Woitach	Attorney Docket Number	066683-0196
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OCT 06 2004
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U.S. PATENT DOCUMENTS						
Examine r Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS								
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NON PATENT LITERATURE DOCUMENTS			
Examine r Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
		James M. MARKERT M.D. et al., "Reduction and Elimination of Encephalitis in an Experimental Glioma Therapy Model with Attenuated Herpes Simplex Mutants that Retain Susceptibility to Acyclovir", Neurosurgery, Vol. 32, No. 4, April 1993, pp. 597-603.	
		David J. GOLDSTEIN et al., "Herpes Simplex Virus Type 1-Induced Ribonucleotide Reductase Activity Is Dispensable for Virus Growth and DNA Synthesis: Isolation and Characterization of an ICP6 <i>lacZ</i> Insertion Mutant", Journal of Virology, Vol. 62, No. 1, Jan. 1988, pp. 196-205.	
		Richard J. WHITLEY et al., "Replication Establishment of Latency, and Induced Reactivation of Herpes Simplex Virus γ_1 34.5 Deletion Mutants in Rodent Models", J. Clin. Invest. Volume 91, June 1993, pp. 2837-2843	
		Cynthia A. BOLOVAN et al., "ICP34.5 Mutants of Herpes Simplex Virus Type 1 Strain 17syn+ Are Attenuated for Neurovirulence in Mice and for Replication in Confluent Primary Mouse Embryo Cell Cultures", Journal of Virology, Jan. 1994, Vol. 68, No. 1, pp. 48-55.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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